

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CAPRECE BYRD, et al.,

Plaintiffs,

Case No. 17-cv-12626

Hon. Matthew F. Leitman

v.

VISALUS, INC., et al.,

Defendants.

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**STIPULATED ORDER EXTENDING PAGE  
LIMITS FOR MOTION TO DISMISS BRIEFING**

Counsel for the undersigned parties hereby agree and stipulate to the following:

1. The deadline for Defendants ViSalus, Inc., Nick Sarnicola, Ashley Sarnicola, Blake Mallen, Ryan Blair, Todd Goergen, Gary J. Reynolds, and Michael Craig (the “ViSalus Defendants”) to respond to the First Amended Complaint (“FAC”) is October 27, 2017.

2. The ViSalus Defendants intend to file a motion to dismiss the FAC under Fed. R. Civ. P. 12(b)(6) for failure to state a claim.

3. The parties have agreed to an expansion of the default page limits for their briefing on the ViSalus Defendants’ motion to dismiss. The parties have agreed to the following limitations:

- a. The ViSalus Defendants' opening brief shall be no longer than 30 pages (a five page extension of the default limitation);
- b. The Plaintiffs' response brief shall be no longer than 30 pages (a five page extension of the default limitation);
- c. The ViSalus Defendants' reply brief shall be no longer than 9 pages (a two page extension of the default limitation).

4. The FAC is over 200 pages long and alleges seven separate counts, which include complex state and federal securities claims in addition to conversion claims. The length and complexity of the factual and legal claims in the FAC make the parties' request to file longer briefs appropriate under the circumstances.

Based on the Stipulation of the undersigned parties, **IT IS HEREBY ORDERED** that, in connection with the ViSalus Defendants' motion to dismiss the FAC, the ViSalus Defendants may file an opening brief of up to 30 pages, Plaintiffs may file a response brief of up to 30 pages, and the ViSalus Defendants may file a reply brief of up to 9 pages.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 19, 2017

The undersigned stipulate to the entry of this order.

SOMMERS SCHWARTZ, P.C.

/s/Andrew Kochanowski (with  
consent)

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